

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ALFONSO MANUEL BLAKE,

Petitioner,

vs.

RENEE BAKER, *et al.*,

Respondents.

3:09-cv-00327-RCJ-WGC

ORDER

On March 14, 2014, the United States Court of Appeals for the Ninth Circuit Court reversed this court's judgment dismissing Blake's habeas petition and remanded the case with instructions to grant Blake's request for stay and abeyance. ECF No. 114. Pursuant to Fed. R. App. P. 41(d)(2), the court of appeals stayed issuance of its mandate pending the Supreme Court's disposition of the respondents' petition for writ of certiorari. ECF No. 115. With respondents' petition having been denied on October 6, 2014, the court of appeals has now issued its mandate. ECF Nos. 117/118.

The purpose of Blake's request for stay and abeyance was to allow him to pursue exhaustion of his state court remedies. This court notes that, on July 30, 2014, the Nevada Supreme Court issued a decision affirming the lower state court's denial of Blake's post-conviction petition for a writ of habeas corpus. *Blake v. McDaniel*, 59263, 2014 WL 3784125 (Nev. July 30, 2014). Thus, prior to complying with Ninth Circuit's instructions to grant stay and abeyance, the court shall direct Blake to submit a status report as to whether he has completed exhaustion of his state court

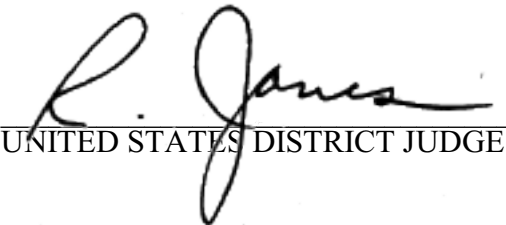
1 remedies.

2 **IT IS THEREFORE ORDERED** that, pursuant to the order of the United States Court
3 of Appeals for the Ninth Circuit (ECF No. 114), the order and judgment dismissing Blake's habeas
4 petition (ECF Nos. 87/88) are REVERSED.

5 **IT IS FURTHER ORDERED** that petitioner shall have **ten (10) days** from the date this
6 order is entered to file a report as to current status of his efforts to exhaust state court remedies for
7 his unexhausted claims. The respondents shall have **seven (7) days** from the date that report is filed
8 to file a response, should they deem it necessary.

9 **IT IS FURTHER ORDERED** that the Clerk of the Court shall administratively re-open the
10 proceedings herein.

11 DATED: October 16, 2014.

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15 UNITED STATES DISTRICT JUDGE
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